

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

FINAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2
AMEND CHAPTER 6.5, ARTICLE 8, SECTION 1270

MOTOR CARRIER SAFETY GENERAL EQUIPMENT REQUIREMENTS - SEATS (CHP-R-2001-09) (OAL FILE NO. Z-02-0125-03)

PURPOSE OF REGULATIONS

Current safety regulations contained in Section 1270, Title 13, California Code of Regulations (13 CCR) require that the driver's seat in a Type 1 bus (designed for carrying more than 16 passengers and the driver) be readily adjustable, both backward and forward, and up and down, independently of each other. The Department's intent in originally adopting this requirement was to assure some seat adjustability so that drivers of varying physical stature could adequately access the driver's controls, consistent with the adjustability provided by the original vehicle manufacturer.

The Department has become aware that some Type 1 buses are now equipped with drivers' seats that adjust backward and forward, and up and down, but not necessarily independently of each other. The Department understands that this more limited seat adjustability is often the result of compliance with Federal Motor Vehicle Safety Standards for occupant protection.

It is not the Department's intent to require driver's seat adjustability beyond that provided by the original manufacturer of the bus, but merely to assure that the bus seat is maintained by the bus owner in such a manner that the degree of adjustability provided by the original manufacturer is retained. Therefore, the Department is clarifying this requirement by continuing to require that the driver's seat be adjustable backward and forward, but to permit that upward and downward adjustability be either independent or incorporated into the forward and backward adjustability.

SECTION BY SECTION OVERVIEW OF SUBSTANTIVE CHANGES

(1) Section 1270(a):

The Department is clarifying the intent of this section by continuing to require that the driver's seat be adjustable backward and forward, but to permit rather than require upward and downward adjustability.

WRITTEN COMMENT PERIOD

No written comments were received during the open comment period.

PUBLIC HEARINGS

No public hearing was requested during the open comment period; therefore, no hearing was held.

STUDIES/RELATED FACTS

None.

ALTERNATIVES

The Department has not identified any alternative, including the no-action alternative, that would be more effective and less burdensome for the purpose for which this action is proposed. Additionally, the Department has not identified any alternative which would be as effective and less burdensome to affected persons other than the action being proposed.

Alternatives Identified and Reviewed

- Adopt a new standard for seat adjustability developed by the California Highway Patrol (CHP) technical staff. It is not the Department's intent to require seat adjustability beyond that provided by the original manufacturer of the bus. It is the Department's intent only to assure that the bus seat is maintained by the bus owner in such a manner that the degree of adjustability provided by the original manufacturer remains present, and that any driver's seat subsequently installed in the bus also retains that degree of adjustability. Consequently, it is not within the scope of the Department's intent to adopt specific standards for seat adjustability. Therefore, this option was rejected.
- Make no change to existing regulation. The Department rejected this option because the existing regulation is unclear and has resulted in some confusion among the regulated community and the Department's staff.
- Amend the existing regulation to more accurately reflect the degree of adjustability provided by the original manufacturer of the bus. This is the option selected by the Department.

LOCAL MANDATE

These regulations do not impose any new mandates on local agencies or school districts.

IMPACT ON BUSINESS

The amendment adopted by the CHP does not result in any additional regulatory burden for any party, but instead clarifies the intent of existing regulations. Consequently, the CHP has not identified any significant adverse impact on businesses.

ECONOMIC IMPACT

The CHP has determined that these regulatory amendments will result in:

- No significant increased costs for school districts, persons, or businesses directly affected by this regulation.
- No discernible impact on the level and distribution of costs and prices for large and small businesses.
- No impact on the level of employment in the state.
- No significant compliance cost for persons or businesses directly affected.
- No impact on the competitiveness of this state's manufacturers to retain businesses.
- No adverse impact on the competitiveness of this state to retain businesses.